

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Thomas et al.

Appl. No.: 10/670,454

Filed: September 26, 2003

For: Gibberellin 2-Oxidase

Confirmation No.: 5510

Art Unit: 1638

Examiner: To be assigned

Atty. Docket: 0623.0970001/LBB/SJE

Request for Reconsideration of Compliance with Sequence Rules

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In reply to the "Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures", mailed December 31, 2003, Applicants enclose herewith copies of:

- 1. Date-Stamped Postcards, filed on September 26, 2003;
- 2. The Request to Open New Disk File, filed on September 26, 2003; and
- 3. 8 pages of a paper copy of the Sequence Listing, filed on September 26, 2003.

Applicants respectfully contend that the Notice is in error.

Applicants have filed a paper copy of the sequence listing along with a request to open new disk file at the time the application was filed. The request to open new disk file states that the disk and paper copies are identical and include no new matter. Furthermore, the date-stamped postcards indicate that the Office has acknowledged receipt of these items.

Thus, Applicants have fully complied with the requirements of 37 C.F.R. §§ 1.821-824, and request that the Office withdraw the Notice to Comply and issue notification of compliance with the Sequence Rules.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

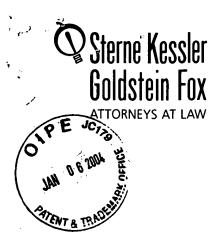
Lawrence B. Bugaisky Attorney for Applicant

Registration No. 35,086

Date: January 6, 2004

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

215743.1



Robert Greene Sterne Edward J. Kessler Jorge A. Goldstein David K.S. Comwell Robert W. Esmond Tracy-Gene G. Durkin Michele A. Cimbala Michael B. Ray Robert E. Sokohl Eric K. Steffe Michael O. Lee John M. Covert Robert C. Millonig Lawrence B. Bugaisky Donald J. Featherstone Michael V. Messinger

Judith U. Kim Timothy J. Shea, Jr. Patrick E. Garrett Donald R. Banowit Peter A. Jackman Molly A. McCall Teresa U. Medler Jeffrey S. Weaver Kendrick P. Patter Vincent L. Capuano Eldora Ellison Floyd Theodore A. Wood Elizabeth J. Haanes Joseph S. Ostroff Frank R. Cottlingham Christine M. Lhuller Rae Lynn Prengaman Jane Shershenovich Lawrence J. Carroll* George S. Bardmesser Daniel A. Klein* Jason D. Eisenberg Michael D. Specht Andrea J. Kamage Tracy L. Muller* LuAnne M. Yuricek* ohn J. Figueroa unn E. Summerfield

Aric W. Ledford*

Registered Patent Agents • Karen R. Markowicz Nancy J. Leith Helene C. Carlson Gaby L. Longsworth Matthew J. Dowd Aaron L. Schwartz Mary B. Tung Katrina Y. Pei Quach Bryan L. Skelton Timothy A. Doyle Jennifer R. Mahalingappa Teresa A. Colella Jeffrey S. Lundgren

Of Counsel Kenneth C. Bass III Evan R. Smith

Admitted only in Maryland Admitted only in Virginia Practice Limited to Federal Agencies

January 6, 2004

WRITER'S DIRECT NUMBER: (202) 772-8589 INTERNET ADDRESS: LARRYB@SKGF.COM

Mail Stop Missing Parts

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Re:

U.S. Utility Patent Application

Appl. No. 10/670,454; Filed: September 26, 2003

Gibberellin 2-Oxidase Inventors:

Thomas et al.

Our Ref:

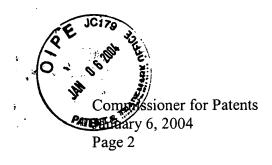
0623.0970001/LBB/SJE

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. A copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
- 2. Request for Reconsideration of Compliance with Sequence Rules;
- A copy of the Date-Stamped Postcards, filed on September 26, 2003; 3.
- A copy of the Request to Open New Disk File, filed on September 26, 4. 2003:
- 5. A copy of 8 pages of a paper copy of the Sequence Listing, filed on September 26, 2003; and
- 6. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.



The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Laure B. Bugush

Lawrence B. Bugaisky Attorney for Applicants

Registration No. 35,086

LBB/SJE/lam Enclosures

215832.1

Applicants: Thomas et al. Due Date:

N/A

Art Unit: Examiner: To be assigned

pplication No.: To be assigned (Continuation of Appl. No. 09/719,108; Docket:

To be assigned 0623.0970001

§ 371 Date: May 25, 2001)

Filed:

For:

September 26, 2003 Gibberellin 2-Oxidase

Atty:

LBB/SJE

When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following documents:

- 1. SKGF Cover Letter;
- Form PTO-2038 Credit Card Payment Form for \$822.00 to cover: \$750.00 Filing fee for patent application; \$72.00 Fee for Excess Claims; 2.
- 3. Fee Transmittal Form (PTO/SB/17):
- 4. PTO Utility Patent Application Transmittal (Form PTO/SB/05);
- U.S. Utility Patent Application entitled: Gibberellin 2-Oxidase, and naming as inventors: Stephen Gregory THOMAS, Peter HEDDEN and 5. Andrew Leonard PHILLIPS, the application consisting of: a. An Application Data Sheet (37 C.F.R. § 1.76); b. A copy of the Declaration executed by Stephen Gregory Thomas, as originally filed in U.S. Appl. No. 09/719,108; c. A copy of the Declaration executed by Peter Hedden, as originally filed in U.S. Appl. No. 09/719,108; d. A copy of the Declaration executed by Andrew Leonard Phillips, as originally filed in U.S. Appl. No. 09/719,108; e. A specification containing: i. 30 pages of description prior to the claims; ii. 3 pages of claims (21 claims); f. 7 sheets of drawings (Figures 1, 2-3b, 4, 5-6, 7-8, 9-10 and 11); g. 8 pages of a paper copy of a Sequence Listing;
- 6. Request to Open New Disk File:
- 7. Authorization to Treat a Reply As Incorporating An Extension of Time Under 37 C.F.R. § 1.136(a)(3);
- A Preliminary Amendment Under 37 C.F.R. § 1.115; 8.
- 9. An Information Disclosure Statement;
- 10. Form PTO-1449 (5 pages) citing 14 documents;
- Copies of documents AL1, AT2, AR3, AR5 and AS5; and 11.
- 12. Two (2) return postcards.



Mail Stop Patent Application

Please Date Stamp And Return To Our Courier

SKGF_DC1:181210.1

Applicants: Thomas et al. Due Date: N/A

Art Unit: To be assigned

Examiner:

To be assigned

Application No.: To be assigned (Continuation of Appl. No. 09/719,108; Docket: 0623.0970001

§ 371 Date: May 25, 2001)

Filed: September 26, 2003 Gibberellin 2-Oxidase

Atty: LBB/SJE

When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following documents:

- 1.
- Form PTO-2038 Credit Card Payment Form for \$822.00 to cover: \$750.00 Filing fee for patent application; \$72.00 Fee for Excess Claims; 2.
- Fee Transmittal Form (PTO/SB/17); 3.
- 4. PTO Utility Patent Application Transmittal (Form PTO/SB/05);
- U.S. Utility Patent Application entitled: Gibberellin 2-Oxidase, and naming as inventors: Stephen Gregory THOMAS, Peter HEDDEN and Andrew Leonard PHILLIPS, the application consisting of: a. An Application Data Sheet (37 C.F.R. § 1.76), b. A copy of the Declaration executed by Stephen Gregory Thomas, as originally filed in U.S. Appl. No. 09/719,108; c. A copy of the Declaration executed by Peter Hedden, as originally filed in U.S. Appl. No. 09/719,108; d. A copy of the Declaration executed by Andrew Leonard Phillips, as originally filed in U.S. Appl. No. 09/719,108; e. A specification containing: i. 30 pages of description prior to the claims; ii. 3 pages of claims (21 claims); f. 7 sheets of drawings (Figures 1, 2-3b, 4, 5-6, 7-8, 9-10 and 11); g. 8 pages of a paper copy of a Sequence Listing;
- Request to Open New Disk File;
- Authorization to Treat a Reply As Incorporating An Extension of Time Under 37 C.F.R. § 1.136(a)(3); 7.
- 8. A Preliminary Amendment Under 37 C.F.R. § 1.115;
- 9. An Information Disclosure Statement;
- 10. Form PTO-1449 (5 pages) citing 14 documents:
- 11. Copies of documents AL1, AT2, AR3, AR5 and AS5; and
- 12. Two (2) return postcards.

Mail Stop Patent Application

For Advance Notification of Application Number

SKGF_DC1 181219.1



26111

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandra, Viginia 22313-1450

APPLICATION NUMBER

1100 NEW YORK AVENUE, N.W.

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

FILING OR 371 (c) DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

10/670,454

WASHINGTON, DC 20005

09/26/2003

Stephen Gregory Thomas

0623.0970001/LBB/SJE

CONFIRMATION NO. 5510

FORMALITIES LETTER

OC000000011594798

Date Mailed: 12/31/2003

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE **DISCLOSURES**

Filing Date Granted

Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase Patentin Software, call (703) 306-2600
- For Patentin Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Replies should be mailed to:

Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450 Alexandria VA 22313-1450

A copy of this notice <u>MUST</u> be returned with the reply.

Y. Gr

Customer Service Center Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE